

REMARKS

Claims 1-25 are pending in the present application. The Examiner requires that Applicants elect one of the following groups of claims for prosecution:

1. Group I, claims 1-20 and 23-25 drawn to a method of preparing a toner; and
2. Group II, claims 21-22 drawn to a particular sized toner.

Applicants hereby elect Group I, claims 1-20 and 23-25 with traverse. Applicants respectfully request reconsideration of the Requirement for Restriction to allow prosecution of more than one group of claims designated by the Examiner in the present Application, for the reasons provided as follows.

Under 35 U.S.C. §121 "two or more independent and distinct inventions ... in one Application may ... be restricted to one of the inventions." Inventions are "'independent'" if "there is no disclosed relationship between the two or more subjects disclosed" (MPEP 802.01). The term "distinct" means that "two or more subjects as disclosed are related ... but are capable of separate manufacture, use or sale as claimed, AND ARE PATENTABLE OVER EACH OTHER" (MPEP 802.01) (emphasis in original). However, even with patentably distinct inventions, restriction is not required unless one of the following reasons appear (MPEP 808.02):

1. Separate classification
2. Separate status in the art; or
3. Different field of search.

Further, under Patent Office Examining Procedures, "[i]f the Search and Examination of an entire Application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions" (MPEP 803, Rev. 8, May 1988) (emphasis added). Applicants submit that a search of the methods for preparing a toner of Group I necessarily entails a search of the toners of Group II, and a search of both groups may be made without a serious burden.

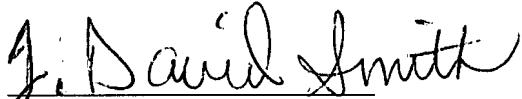
FEES

No fees are believed necessary in connection with the present Response; however, should this be in error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment or to credit any overage.

CONCLUSION

The claims are all believed in condition for allowance and early notification as such is solicited.

Respectfully submitted,


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